(Ireland.)

A

B I L L

For the further Amendment of an Act of the Sixth Year of Her present Majesty for regulating the Irish Fisheries.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS an Act was passed in the Session of Parliament holden in the fifth and sixth years of the reign of Her present Majesty, intitnled, "An Act to regulate the Irish Fisheries:" Preamble: 5 & 6 Vict., c. 106.

And whereas the same was amended by an Act of the seventh and eighth years of the reign of Her said Majesty, and was again amended by another Act of the eighth and ninth years of the reign of Her said Majesty; and it is by the said first-recited Act, amongst other things, enacted, "that from and after the first day of January in the year One thousand eight hundred and Forty-four, no Fish of the Salmon kind shall be taken in or from any River, Lake or Estuary whatsoever, or on the Sea-coast, between the Twentieth day of August in any year and the Twelfth day of February in the year following, by any person, save and except in any River, Lake or Estuary, or any part of the Sea-coast where the catching of Salmon shall be permitted during such period by the said Commissioners, in conformity with the powers thereinafter vested in them for that purpose:" 7 & 8 Vict., c. 108. 8 & 9 Vict., c. 108. Sect. 29.

And whereas it is expedient that the said first-recited Act, and the Acts amending the same, should be further amended in relation to the close time or close season for Salmon; BE it therefore Enacted, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

THAT

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1.
So much of recited enactment as defines the close time for Salmon repealed.

THAT from and after the *passing of this Act* so much of the said recited enactment as specifies the close time or close season in which no fish of the Salmon kind shall be taken, shall be and the same is hereby repealed, save and except as to any matter or thing heretofore done, or any penalty heretofore incurred in respect of the same; and from and after the *passing of this Act* no fish of the Salmon kind shall be killed, destroyed or taken by any person, or by any means whatever, in or from any Estuary or on the Sea-coast, or in or from the tideway of any River or Lake in Ireland, or the part thereof where the tide ebbs and flows, at any time between the *First* day of *September* in each year and the *Thirty-first* day of *January* in the year following, both the said days inclusive; and no fish of the Salmon kind (save as hereinafter provided) shall be taken by any person or by any means whatsoever, in or from any part of any River or Lake in Ireland above the tideway, or portion thereof where the tide ebbs and flows, at any time between the *First* day of *October* in each year and the *last* day of *February* in the year following, both the said days inclusive: Provided always, That in any such part of any River or Lake, above the tideway or portion thereof where the tide ebbs or flows, no fish of the Salmon kind shall be killed, destroyed or taken in any part of the month of September, by any person, by means of any weir, crib, cruive, box, trap, draw net, haul net, fixed net or other net or device whatsoever, save by Rods and Lines only: Provided also, That nothing herein contained shall be construed to prevent the taking or fishing for Black or River Trout in any such last-mentioned part of any River or Lake, where the tide does not ebb or flow, with rods and lines only, during any part of the month of *September*.

Close time for Salmon in the Sea and Tideways shall be from 1st of September to 31st of January inclusive.

Close time for Salmon in Rivers or Lakes above Tideway, from the 1st of October to last day of February inclusive.

In the month of September Salmon shall be taken only by Rod and Line in Rivers or Lakes above Tideway.

Black or River Trout may be taken by Rod and Line up to the end of September.

2.
Fishing Weirs above termination of Tideway, and within Two Miles therefrom, may be used for fishing during the month of February, as those in the Tideway.

AND whereas in many of the rivers in Ireland permanent or fixed weirs with boxes, cribs or cruives, for the taking of Salmon, are now held under charter, patent, grant, Act of Parliament, or prescriptive right, and are placed or constructed wholly or partially across such rivers, in the fresh-water portions thereof, above the place where the tide ceases to flow: AND whereas in such cases where any such permanent or fixed weirs are situate within Two Miles from the place where the tide ceases to ebb and flow, and no fishing or other weir is situate or interposed between such permanent or fixed weirs, and the place where, as aforesaid, the tide ceases to ebb and flow, good fish of the Salmon kind may, without injury to the Fisheries, and with advantage to the public, be taken during the month of February in each year; BE it therefore Enacted, That nothing herein contained shall be construed to prevent the owners or tenants of such weirs so circumstanced as aforesaid from using the same, and it shall be lawful for them to use the same, to take therein fish of the Salmon kind in such boxes, cribs or cruives of such weirs during any part of the month of February,

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February, in like manner as if such weirs were situate within the tide-way, or place where the tide ebbs and flows: Provided always, That in all other respects such weirs, and the persons using, possessing, tenanting or fishing the same, shall be subject to the provisions of the said recited Acts and this Act in relation to the same.

3. Penalties, Forfeitures and Regulations for enforcing observance of Close Season.

5 & 8 Vict., c. 106.

And be it Enacted, That the said respective close times for fish of the Salmon kind, as fixed by this Act, shall be observed and kept in the like manner in every respect as the close time for such fish by said recited Acts, or any of them, provided; and the observance thereof respectively shall and may be enforced by all the means, powers, persons and authorities provided in respect of such close time in the said recited Acts, or any of them; and the provisions of the said recited Acts, so far as the same are applicable and not varied by this Act, shall be extended and applied to the respective close times hereby fixed, as if the same had been set forth in the said recited Acts; and all persons guilty of any breach of any of the provisions of the said Acts, or any of them, or this Act, relating to such respective close times, or offending in any respect against the provisions of this Act, shall be liable to the like penalties and forfeitures as are provided by the said recited Acts, or any of them, as if the respective times, periods, matters and things herein provided to be observed and done were set forth in the said recited Acts, and the matters and things provided to be done for observance of the close season in said Acts were set forth in this Act; and all such powers, authorities and provisions for enforcement of the observance of the close season provided and given by said recited Acts, shall extend and apply and may be used and exercised for enforcing the provisions of this Act in as full and effectual a manner as if they were set forth in this Act; and all such penalties and forfeitures shall and may be sued for, recovered and levied in the same manner as by said recited Acts provided in cases of offences prohibited by the said Acts, or any of them.

7 & 8 Vict., c. 108, ss. 1, 2.
8 & 9 Vict., c. 108, ss. 1. 10. 14. 23, 2

4. Interpretation Clause.

And be it Enacted, That this Act and the said recited Acts shall be construed as one Act; and said recited Acts shall remain in full force and effect, except so far as the provisions of the same are repealed or altered by or are inconsistent with this Act; and the Commissioners for the execution of said Acts shall be Commissioners for the execution of this Act; and, save when the nature of the provision or the context shall exclude such construction, words and expressions to which a particular or extended meaning is given in the said recited Acts, or any of them, shall have or include the same particular or extended meaning in this Act.

5. Act may be amended, &c. this Session.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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